

Friday, 16 August, 1946.

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan.

PROCEEDINGS IN CHAMBERS

On an application on behalf
of the Prosecution for leave to have the evidence
in chief of John Granville Liebert, a witness
for the Prosecution, presented in the form of
a prepared statement instead of by oral examina-
tion.

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Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

John J. Smith
Official Court Reporter
IMTFE

Appearances:

For the Prosecution Section:

BRIGADIER R. H. QUILLIAM, Associate
Counsel, acting on behalf of
New Zealand.

MR. FRANK S. TAVENNER, JR.
MR. SOLIS HORWITZ
MR. EDWARD E. O'NEILL

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for
the Accused KIDO, Koichi; and
MR. MICHAEL LEVIN, Counsel for the
Accused SUZUKI, Teichi.

For the Office of the General Secretary, INTPE:

MR. G. WALTER LOWMAN,
Clerk of the Court.
MR. C. A. HANTZ,
Deputy Clerk of the Court.

Appearances:

For the Prosecution Section:

BRIGADIER R. H. QUILLIAM, Associate
Counsel, acting on behalf of
New Zealand.

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the Accused KIDO, Koichi; and
MR. MICHAEL LEVIN, Counsel for the
Accused SUZUKI, Teiichi.

For the Office of the General Secretary, INTFE:

MR. G. WALTER BOWMAN,
Clerk of the Court.
MR. C. A. WATZ,
Deputy Clerk of the Court.

The proceedings were begun at 0900.

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THE PRESIDENT: This is Application No. 351, and is a request by the prosecution that Mr. John Granville Liebert be authorized to give evidence in the form of a statement. I have had the advantage of consulting the other judges about it and they seem to be firmly of opinion that the application should be granted. We think that it will be an advantage to the prosecution to have the statement in advance and to have it read in evidence. The defense will be able to study it. Will you need time to prepare the statement?

BRIGADIER QUILLIAM: It will take some time, Mr. President, and it is desirable that we have the time. We would like as long as possible, consistent with the exigency of the matter. I will mention that the real difficulty is mechanical, but we will do our best.

THE PRESIDENT: That is the wish of the judges. The defense will not be prejudiced.

MR. LOGAN: This is subject to any objection we wish to make prior to the introduction in evidence.

THE PRESIDENT: Yes, you will have your proper objections. The judges feel that this method should be pursued. They do not think that the defense will be prejudiced if they give the prosecution leave to have the statement. It may take a longer time, but we will get the same results.

MR. TAVENNER: Will the Court fix the time within which we will have to get the report or statement?

THE PRESIDENT: We will give you sufficient time. About how long do you wish?

BRIGADIER QUILLIAM: About the middle of September.

THE PRESIDENT: That will give you over a fortnight.

BRIGADIER QUILLIAM: All I can say is that it will be in September. It does not actually matter. We will do our best to finish the report. I will undertake to see that Mr. Logan is furnished a copy as soon as possible, and I will make every effort with the various translators to have it translated.

MR. LOGAN: Give us a copy in English as soon as possible.

BRIGADIER QUILLIAM: I will take that up with you and discuss it.

THE PRESIDENT: Any other matter before the Court this morning?

MR. BOWMAN: That is all this morning. We set the other application for next Thursday, the 22nd. You have certain other matters which you are taking up with the rest of the Tribunal.

THE PRESIDENT: Yes.

MR. BOWMAN: There are certain matters you are considering in Chambers, and there is the question of making these proceedings a part of the record.

THE PRESIDENT: Yes, I have that under discussion. There is nothing in the Charter, but I see no reason why we should not make the proceedings in Chambers a part of the record. We feel that it will make it more complete in form, and can be referred to more easily. I and the other judges feel that it would be proper. The Charter is not clear on that.

We will make an announcement later.

(Whereupon, at 914, the proceeding was concluded.)

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